

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 199

WEDNESDAY, 10 JUNE 2020

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Statement by President — Standing Committee on Procedure and Privileges — Attorney General's Comments

The President made the following Statement —

As President and Chair of the Standing Committee on Procedure and Privileges, I am responding to false and misleading information provided to the Parliament by the Attorney General on 28 May 2020 and reported in *The West Australian* and in several online media sources. The Attorney General made certain false and misleading claims in the Legislative Assembly relating to a laptop and other matters, and in the course of doing so, revealed a covert Western Australia Police Force investigation. The laptop referred to by the Attorney General contains emails and diary entries from Mr Edman's parliamentary email account and other information subject to parliamentary privilege. The Corruption and Crime Commission obtained the laptop from Mr Edman by search warrant on 14 August 2019. Mr Edman made a claim of privilege to the Corruption and Crime Commission over that laptop and its contents. On 5 September 2019, this House ordered the Corruption and Crime Commission to produce the laptop to the Clerk.

In revealing a covert criminal investigation by the Western Australia Police Force, the Attorney General claimed that the laptop has not yet been examined in detail. The facts are that Western Australia police has extensively examined the laptop as part of its investigation. This occurred with the full cooperation and assistance of the Procedure and Privileges Committee and following the negotiation of memoranda of understanding between the Western Australia Police and the Procedure and Privileges Committee. Western Australia Police commenced its review of the laptop and one backup hard drive on 12 October 2019 and has had access to other relevant devices on the parliamentary precinct since 21 November 2019 with the full cooperation of the Procedure and Privileges Committee. These facts were the subject of a media release from me in my capacity as chair of the Procedure and Privileges Committee on 22 December 2019, distributed to all Members of the Legislative Council on that day and reported in *The West Australian* of 2 January 2020. Great care was taken to ensure that the nature of the police investigation remained confidential.

For the information of Members, I table, firstly, a copy of my media release, dated 22 December 2019, and related newspapers reports and, secondly, a copy of the newspaper report of the Attorney General's claims in *The West Australian*, dated 29 May 2020. For an accurate account of the facts relating to the Procedure and Privileges Committee's attempts to negotiate a procedure with the Corruption and Crime Commission for access to the data of three former Members and their staff, I refer the Attorney General to the fifty-fifth report of the Procedure

and Privileges Committee, “A Refusal to Comply with a Summons to Produce Documents”, tabled on 14 August 2019, Tabled Paper 2929. The Procedure and Privileges Committee will report on these and related matters in due course.

The President tabled a statement made by the President as Chair of the Standing Committee on Procedure and Privileges in relation to misconduct risks in electorate allowances for MPs and copies of related newspaper articles. (Tabled Paper 3932).

3. Ministerial Statement — Port Hedland Spoilbank Marina

The Minister for Regional Development made a Ministerial Statement with respect to the completion of a detailed design on the Port Hedland Spoilbank Marina.

4. COVID-19 Virus

Motion No. 3 having been called, Hon Peter Collier, pursuant to notice, moved —

That this House —

- (a) recognises the significant impact that the COVID-19 virus has had on the Western Australian community and economy; and
- (b) requests that the Leader of the House representing the Premier and the Parliamentary Secretary to the Minister for Health table all health and other advice provided to Government to assist it in making decisions to lift or relax restrictions it imposed as a result of the COVID-19 virus.

Debate ensued.

Hon Martin Aldridge, by leave, tabled letters between Hon Mia Davies MLA and the Premier in relation to the special inquiry into COVID-19 response (28 May 2020). (Tabled Paper 3933).

Debate resumed.

Motion — put and passed.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O’Brien in the Chair)

Standing Committee on Uniform Legislation and Statutes Review — Report No. 124 — Inquiry into the Form and Content of the Statute Book

Hon Michael Mischin moved, That further consideration of the report be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 13 — Annual Report 2018–19

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 4 — Annual Report 2018–19

The Minister for Environment moved, That the Report be noted.

Debate ensued.

Hon Nick Goiran moved, That further consideration of the report be postponed until the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Hon Nick Goiran moved, That further consideration of the report be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on Audit — Report 1 — Second review of the Financial Management Act 2006

Debate resumed on the motion of Hon Diane Evers, That the Report be noted.

Question — put and passed.

Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Uniform Legislation and Statutes Review — Report 124 — *Inquiry into the Form and Content of the Statute Book* and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 13 — *Annual Report 2018–19*, made progress, and postponed consideration to the next sitting.
- (3) Joint Standing Committee on the Commissioner for Children and Young People — Report 4 — *Annual Report 2018–19*, made progress, and postponed consideration to the next sitting.
- (4) Standing Committee on Estimates and Financial Operations — Report 77 — *2017-18 Budget Cycle — Part 2: Annual Report Hearings*, made progress, and postponed consideration to the next sitting.
- (5) Joint Standing Committee on Audit — Report 1 — *Second review of the Financial Management Act 2006* and had noted same.
- (6) Select Committee into Elder Abuse — Final Report — *‘I never thought it would happen to me’: When trust is broken*, made progress, and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Order of the Day No. 1, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, be taken after Order of the Day No. 16, *High Risk Offenders Bill 2019*. (Leader of the House).

7. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Police tabled documents in relation to Western Australia Police Force rotary winged aircraft, in response to question on notice 2887 asked by Hon Martin Aldridge. (Tabled Paper 3934).

The Minister for Environment tabled documents in relation to the Whim Creek mine site’s emissions and discharges, Investigation by the Department of Water and Environmental Regulation into offences under the *Environmental Protection Act 1986*, in response to question on notice 2893 asked by Hon Robin Chapple. (Tabled Paper 3935).

The Minister for Environment representing the Minister for Transport tabled documents in relation to public transport advertising complaints in 2019, in response to question on notice 2896 asked by Hon Nick Goiran. (Tabled Paper 3936).

The Minister for Environment representing the Minister for Energy tabled documents in relation to the dollar value of accrued annual leave balances and the number of staff they apply to as at

31 December 2019 for agencies within the Minister's portfolio, in response to question on notice 2918 asked by Hon Tjorn Sibma. (Tabled Paper 3937).

The Minister for Regional Development representing the Minister for Mines and Petroleum; Industrial Relations tabled documents in relation to the dollar value of accrued annual leave balances and the number of staff they apply to as at 31 December 2019 for agencies within the Minister's portfolio, in response to question on notice 2917 asked by Hon Tjorn Sibma. (Tabled Paper 3938).

9. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

Debate resumed on the second reading of this Bill (*see item 7 above*).

Interruption pursuant to order.

10. Members' Statements

Statements were taken.

Hon Kyle McGinn, by leave, tabled the WA Labor Plan for the Goldfields (February 2017). (Tabled Paper 3939).

11. Adjournment

The Council adjourned at 6.45pm until Thursday, 11 June 2020 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina, Hon Laurie Graham and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council